

Remarks

By this amendment, claims 48, 49, 51 and 52 are amended, and claim 50 is cancelled without prejudice or disclaimer. Claims 33-37 and 56-62 have been withdrawn. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant appreciates the indication in the Office action of allowable subject matter in claims 38-47 and 53-55.

Claim 48 has been amended to recite "first" plurality of pairs and "second plurality of pairs as suggested by the examiner. Claim 48 is also amended to recite "a" second centroidal axis for proper antecedent basis. Claim 48 is also amended to recite "prestressed tendons." Claims 51 has been amended to correct a typographical error by adding "by" so that the claim reads "formed by positioning." Claim 52 is amended to correct a typographical error by adding "edges" so that the claim reads "said opposite side edges."

Claim 50 has been cancelled, but Applicant reserves all rights to pursue this claim and similar claims in a continuing application.

Claims 48-51 are rejected under 35 U.S.C. § 102(B) over U.S. Patent No. 5,894,003 to Lockwood. This rejection is traversed.

Independent claim 48 recites that the tendons are "prestressed." Lockwood does not disclose prestressed tendons. Further, it would not have been obvious in view of Lockwood to provide prestressed tendons.

According, claims 48-51 are not anticipated by Lockwood, and the rejection should be withdrawn.

The Office action objects to claims 38-46, 48, 49 and 52-55 as being substantial duplicates of claims 1-11 and 15-18 of commonly-owned U.S. Patent No. 6,711,866 (the '866 patent). This objection is misplaced. Independent claims 38, 48 and 52 of this application are each patentably distinct from claim 1, 10 or 15 of the '866 patent. Although certain subject matter may be covered by claims of the '866 patent and by claims of this application, the claims of this application are separately patentable over the claims '866 patent. Therefore, this objection should be withdrawn.

The Office action asserts that claims 47 and 50 are rejected on the grounds of obviousness-type double patenting in view of claim 1 of the '866 patent. This rejection is traversed. Claim 47 is patentably distinct from claim 1 of the '866 patent because claim 47 recites that the first face is textured. Claim 50 has been cancelled. Accordingly, Applicant respectfully submits that the rejection of claim 47 should be withdrawn.


Based on the foregoing, Applicant respectfully submits that the claims are directed to allowable subject matter and that the application is in condition for allowance. Should the examiner believe that anything further is required to place this application in better condition for allowance, the Examiner is requested to telephone Applicant's representative.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Michael P. Girard
Registration No. 38,467